

DECLARATION

Attorney Docket No.  
37522-1002P2



#3

As a beamed joint inventor, each of us hereby declares as follows:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Methods to improve neural outcome  
the specification of which was filed in the US Patent & Trademark Office on May 24, 2001 as Application No. 09/866,536.

I state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I claim the benefit under 35 USC 120 of copending US Application No. 08/907,918, filed August 11, 1997, which is a continuation of Application No. 08/656,331, filed June 14, 1996, which is the US National Phase of PCT International Application No. PCT/NZ94/00143, filed December 20, 1994; and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application in the manner provided by 35 USC 112, ¶1, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the filing date of this application.

I claim the priority under 35 USC 119(a)-(d) or 365(b) of New Zealand Patent Applications Nos. 250572, filed December 23, 1993; 260091, filed March 14, 1994; and 264070, filed July 22, 1994. No earlier foreign patent application exists.

Address all written correspondence to:  
Customer Number 25213.

Direct all telephone calls to:  
Derek P. Freyberg, at (650) 324-7014.

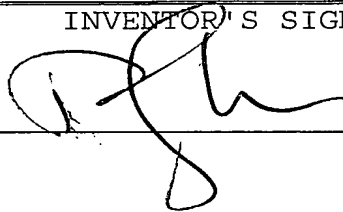
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

DECLARATION

Attorney Docket No.  
37522-1002P2

FIRST JOINT INVENTOR                      INVENTOR'S SIGNATURE                      DATE

Peter D. Gluckman



20-11-07

RESIDENCE  
Auckland, New Zealand

CITIZENSHIP  
New Zealand

MAILING ADDRESS  
78 Lucerne Road, Remuera, Auckland 5, New Zealand

SECOND JOINT INVENTOR                      INVENTOR'S SIGNATURE                      DATE

Christopher E. Williams



20/11/01

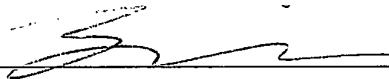
RESIDENCE  
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CITIZENSHIP  
New Zealand

MAILING ADDRESS  
2/73b Carlton Gore Road, Grafton, Auckland, New Zealand.

THIRD JOINT INVENTOR                      INVENTOR'S SIGNATURE                      DATE

Jian Guan



2011/01

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1/29 Arran Street, Avondale, Auckland, New Zealand

FOURTH JOINT INVENTOR                      INVENTOR'S SIGNATURE                      DATE

Rita V.M. Krishnamurthi



22/11/01

RESIDENCE  
Auckland, New Zealand

CITIZENSHIP  
Fijiian

MAILING ADDRESS  
45c Marlborough Street, Mount Eden, Auckland, New Zealand



DEED OF ASSIGNMENT made this 20<sup>th</sup> day of November, 2001

BETWEEN **PETER D. GLUCKMAN** a New Zealand citizen of  
78 Lucerne Road, Remuera, Auckland 5, New Zealand

**CHRISTOPHER E. WILLIAMS** a New Zealand citizen of  
2/73b Carlton Gore Road, Grafton, Auckland, New Zealand

**JIAN GUAN** a New Zealand citizen of  
1/29 Arran Street, Avondale, Auckland, New Zealand

**RITA V. M. KRISHNAMURTHI** a Fijian citizen of  
45c Marlborough Street, Mount Eden, Auckland, New Zealand

(the "Assignors")

AND **NEURONZ LIMITED**, a New Zealand company of  
Level 3, 2-6 Park Avenue, Grafton, Auckland 1, New Zealand  
(the "Assignee")

#### RECITALS

1. The Assignors have devised an invention entitled "METHODS TO IMPROVE NEURAL OUTCOME" (the "Invention"), for which they have filed US Application No. 09/866,536, filed in the US PTO on May 24, 2001, and acknowledges that the Assignee is or should be the proprietor of all rights in the Invention including the right to apply for patent or equivalent protection in any country or countries of the world, to claim priority under international convention from any such application or applications and the rights conferred by such a patent or equivalent protection when granted (the "Patent Rights").
2. The Assignee has requested that the Assignors execute this Deed of Assignment.

#### OPERATIVE PROVISIONS

##### 1. ASSIGNMENT

In consideration of the sum of NZ One Dollar (NZ\$1.00) paid by the Assignee to the Assignors, the receipt of which is acknowledged, the Assignors HEREBY ASSIGN to the Assignee all their rights in the Invention and the Patent Rights, effective as of the date of filing of the application described paragraph 1 of the RECITALS above.

2. IMPROVEMENTS

- (a) The Assignors, while undertaking research using the Invention, shall forthwith disclose to the Assignee all improvements in, modifications of or additions to the Invention created by the Assignors.
- (b) The Assignors shall assign to the Assignee upon request all rights to all improvements in, modifications of or additions to the Invention devised by the Assignors while undertaking research for the Assignee, such assignment to be of all rights in New Zealand and any other country or countries.

3. EXECUTION OF DOCUMENTS

The Assignors shall at the expense of the Assignee (if requested by the Assignee) in respect of the Invention in New Zealand or any other country:

- (a) apply for and obtain or (if the Assignee thinks fit) join with the Assignee in applying for intellectual property protection of the Invention with the understanding and the intention that all interest in such applications and any granted protection is to vest in the Assignee;
- (b) execute documents and do all acts necessary or convenient to assure the applying for and/or obtaining of any such intellectual property protection;
- (c) execute documents and do all acts necessary or convenient to vest any such protection in the Assignee; and/or
- (d) execute documents and do all acts necessary or convenient to enable enforcement of any such protection.

4. INFORMATION

The Assignors shall at the request of the Assignee, and to the extent outstanding, furnish the Assignee with full details of and relating to the Invention (including the circumstances of invention).

5. CONFIDENTIALITY

The Assignor agrees to treat as confidential all information relating to the Invention and shall not use, disclose or publish the same without the express prior written consent of the Assignee. Such obligation shall not extend to information which already is in or which enters the public domain through no fault of the Assignors. The Assignors agree to seek prior clearance from the Assignee in any case of uncertainty.

6. APPLICATION TO IMPROVEMENTS

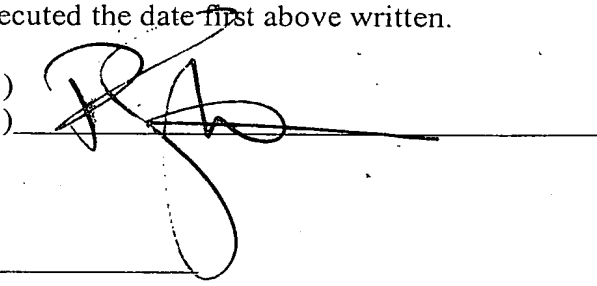
The obligations in Clauses 3, 4 and 5 shall extend to all improvements, modifications and additions referred to in Clause 2 of this Deed.

7. POWER OF ATTORNEY

To the extent that the signature of the Assignors cannot be obtained when required for a purpose specified in paragraph 3, the Assignors hereby irrevocably grant to Chief Executive Officer (or other delegated officer) of the Assignee a power of attorney to sign such documents on their behalf, but for no other purpose.

IN WITNESS WHEREOF this Deed was executed the date first above written.

SIGNED by  
**PETER D. GLUCKMAN**

)   
\_\_\_\_\_

in the presence of:

WITNESS


Signature: \_\_\_\_\_

Name: *David Klein*

Address: *78 Lucerne Rd, Remuera, Auckland*

Occupation: *Intellectual property officer*

SIGNED by  
**CHRISTOPHER E. WILLIAMS**

)   
\_\_\_\_\_

In the presence of:

WITNESS

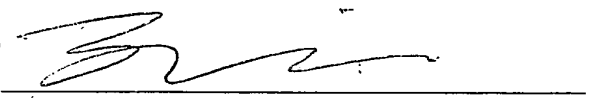
Signature: \_\_\_\_\_

Name: *David Klein*

Address: *78 Lucerne Rd, Remuera, Auckland*


Occupation: *Intellectual property officer*

SIGNED by  
**JIAN GUAN**

)   
\_\_\_\_\_

In the presence of:

WITNESS

Signature: \_\_\_\_\_

Name: *David Klein*

Address: *78 Lucerne Rd, Remuera, Auckland*

Occupation: *Intellectual property officer*

SIGNED by  
RITA V.M. KRISHNAMURTHI

)  
) *Rishnamurthi*

In the presence of:  
WITNESS  
Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Occupation: \_\_\_\_\_

SIGNED by  
NEURONZ LIMITED

)  
) *Jones*

In the presence of:  
WITNESS  
Signature: *[Signature]*

Name: *David Klein*

Address: *78 Lucerne Rd, Remuera, Auckland*

Occupation: *intellectual property officer*